

SECREST
CRUMP
HERRING
BAKER

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 55, To the Committee on Game and Fish.

Welcome Resolutions

S. R. No. 31—By Senator Owen: Extending welcome to Mr. and Mrs. J. M. Horner of Wink, et al.

S. R. No. 32—By Senator Aikin: Extending welcome to Miss Martha Lou Ward and Miss Kay Lambert.

Adjournment

On motion of Senator Hardeman the Senate at 10:50 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTH DAY

(Thursday, July 27, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Senator Secrest offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Krueger submitted the following report:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 35, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Senator Fuller submitted the following reports:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 34, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 125, Acts of the Forty-fifth Legislature, 1937, as amended (codified as Article 6243e, Vernon's Annotated Civil Statutes), by adding thereto a new section to be numbered Section 25A, prohibiting any increase or decrease in a retirement or survivor's allowance except as expressly provided, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Smith:

S. B. No. 42, A bill to be entitled "An Act amending Chapter 221, Acts of the Fifty-fifth Legislature (being the law creating White River Municipal Water District), by adding a provision with reference to annexation of additional territory; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Smith:

S. B. No. 43, A bill to be entitled "An Act relating to White River Municipal Water District created by Chapter 221, Acts of the Fifty-fifth Legislature; naming the persons to constitute the Board of Directors of said district; validating acts performed by such Directors and by the persons who served before them as such Directors; validating all proceedings heretofore had with reference to the voting and authorization of bonds by the district, the levy of ad valorem taxes, the pledge of revenues and the making of the trust indenture to pay and secure the payment of said bonds, the water supply contracts between the district and cities contained in said district, and all proceedings in assessing and equalizing valuations of taxable property in the district; authorizing the Directors above named and their successors to proceed with the issuance, sale and delivery of the bonds and to do all things necessary in connection therewith, to proceed with the construction of the project for which the bonds were voted, and to exercise all of the other powers conferred by the law creating said

district; providing that this Act shall not validate any act, the validity of which is attacked in litigation pending at the time this Act becomes effective; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

By Senators Smith and Martin:

S. B. No. 44, A bill to be entitled "An Act establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidating certain annexations; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Schwartz:

S. B. No. 45 A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of Texas, 1925, as amended, so as to repeal that portion of the law allowing procedures that lead to diversion of bodies which would otherwise become available for the advancement of medical science; and with the purpose of eliminating the shortage of bodies that can be used for medical teaching and research; and declaring an emergency."

To the Committee on Public Health.

By Senator Schwartz:

S. B. No. 46, A bill to be entitled "An Act amending Section 2, House Bill No. 264, Fifty-sixth Legislature, 1959, so as to repeal that portion of the law which is not correlated with the Anatomical Law (Article 4584,

Revised Civil Statutes of Texas, 1925), permits indiscriminate distribution of bodies, and does not provide for keeping records; and with the purpose of unifying the laws dealing with human bodies used for the advancement of medical science, providing for recording their distribution, and giving a uniform method of handling all such bodies through the activity of the Anatomical Board of the State of Texas; and declaring an emergency."

To the Committee on Public Health.

By Senators Hudson, Reagan and Patman:

S. B. No. 47, A bill to be entitled "An Act authorizing establishment of Rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 48, A bill to be entitled "An Act prohibiting any city, town or village, for a period of two years, with certain exceptions, from annexing any territory which is located in a county other than the county in which such city, town or village is located; and declaring an emergency."

To the Committee on Counties Cities and Towns.

By Senator Herring:

S. B. No. 49, A bill to be entitled "An Act to carry into effect Section 62, Subsection a, Article XVI, of the Constitution of Texas, relating to establishment of a retirement, disability, and death compensation fund for officers and employees of the State, by providing such benefits to elective State officials holding office in this State."

To the Committee on State Affairs.

By Senators Schwartz and Rogers:

S. B. No. 50, A bill to be entitled "An Act providing for certain presumptions which shall rise from the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substances in any criminal prosecution for a violation of any law of this State relating to driving an automobile or other motor vehicle while intoxicated or while

under the influence of intoxicating liquor; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 51, A bill to be entitled "An Act Amending Penal Code Article 1690 by inserting a new section 1690d making unlawful and void any part of an agreement, arrangement or other device which requires or permits a carrier to pay a levied charge, allowance, assessment or compensation to any person or organization if such charge, allowance, assessment or compensation is dependent or contingent upon the use of another mode of transportation; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Schwartz:

S. B. No. 52, A bill to be entitled "An Act to further the effectiveness of the State's public schools and improve the quality of public education by further defining the authority and powers of the State Board of Education and the local school boards as follows: prohibiting the State Board of Education from adopting any policy, rule, regulation or other plan, as a prerequisite for accreditation or other approval, which would require any School District to hire any guidance counselor or supervisor; and by amending Section 3 of Article III of Chapter 299, Acts of the 51st Legislature, Regular Session, 1949, by adding a new subsection (8) which requires the State Board of Education to provide for (1) testing the knowledge of all public school students each year and providing certain duties of the Central Education Agency in connection therewith, (2) standard driver training examinations; and by amending paragraph 1 of Section 4 of Article II of Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as last amended, which is codified as paragraph 1 of Section 4 of Article 6687b, Vernon's Texas Civil Statutes, relating to certain minors under sixteen (16) years of age who may be licensed to operate a motor vehicle; repealing all laws in conflict; providing for severability; and declaring an emergency."

To the Committee on Education.

By Senator Gonzalez:

S. B. No. 53, A bill to be entitled

"An Act relating to extraterritorial jurisdiction of incorporated cities, towns, or villages, over certain public utilities of the State; amending Article 1119 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on State Affairs.

Senate Concurrent Resolution 17

Senator Rogers offered the following resolution:

S. C. R. No. 17, Granting F & C Engineering Company permission to sue the State of Texas.

Whereas, F & C Engineering Company, a Delaware Corporation, with its principal offices located at 3601 Brock Street, Houston, Texas, is asserting a claim against the State of Texas and the Texas Highway Department, arising out of a contract with the Texas Highway Department, dated August 3, 1960, involving Project Numbers F 514(38), FG 514(39) and U 514(40) Control 27-12-4 and 5 and 27-13-15 and 16, U. S. Highway 59 in Harris and Fort Bend Counties; and

Whereas, Said F & C Engineering Company is asserting a claim of \$120,676.02 on the ground that the Texas Highway Department did not design a concrete batch composed of proper proportions of cement, sand, gravel and water for the project for the period from the middle of November 1960 to the early part of May 1961, although the materials are alleged to have met said contract specifications, and as a result, it is further asserted that the Texas Highway Department would not use the design of concrete batches supplied by F & C Engineering Company, on the project; and

Whereas, Said F & C Engineering Company desires to institute a suit in the proper jurisdiction for the determination and declaration of rights and liabilities of the parties herein mentioned and for such other relief as may be appropriate in said cause as determined by the laws of the State of Texas and the issuance and service of process upon the State of Texas and the Texas Highway Department to be issued according to the rules of law and the rules of civil procedure, Now, therefore, be it

Resolved by the Legislature of the State of Texas that authority be and

it is hereby granted to F & C Engineering Company, its successors or assignees, to institute suit against the State of Texas and the Texas Highway Department, or either of them, in a court of proper jurisdiction for a determination and declaration of the rights and liabilities of the parties to a suit as may be developed by the pleadings therein and for such other relief as may be appropriate under the laws of the State of Texas and the rules of civil procedure and granting the services of process upon the State of Texas and the Texas Highway Department according to the rules of law and procedure governing such process in civil cases; and be it further.

Resolved, That nothing herein shall be construed as an admission of any liability on the part of the State of Texas or the Texas Highway Department as to the validity of any allegation or allegations or claims asserted in said action, but that all allegations and claims asserted or hereafter asserted in said suit must be proved as in other cases under the same rules of evidence and procedure as in other civil actions; and be it further

Resolved, That nothing herein shall be construed as a waiver of any question of fact or of law that may be asserted by or available to the State of Texas or the Texas Highway Department but all such defenses are hereby specifically reserved to the State of Texas and the Texas Highway Department; and be it further

Resolved, That such suit may be filed within two years from the effective date of this resolution and not thereafter.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 18

Senator Fuller offered the following resolution:

S. C. R. No. 18, Granting R. A. Coale permission to sue the State of Texas.

Whereas, It is alleged by R. A. Coale a resident of Beaumont, Jefferson County, Texas, That beginning in February 1955, and continuing to the present time, certain property owned by him and being more particularly described as Lots Numbers, One, Two,

Six and Seven (1, 2, 6 and 7), Block One (1), C. A. Hughes Subdivision situated at Rollover on Bolivar Peninsula, Galveston County, Texas, was damaged due to the construction and opening of Rollover Pass connecting East Galveston Bay with the Gulf of Mexico at Kaplan, Texas; that by virtue of the construction and opening of such Rollover Pass, said property has been caused to erode and as results of said erosion there has been a loss of approximately one hundred twenty five feet (125 ft.) of land in front of the house and garage located thereon, and that the present vegetation line is approximately five feet (5 ft.) from the front steps of said house and garage. As a result, it has required the moving of said house and garage to approximately two hundred yards (200 yds.) from the present location on an adjacent piece of property; and that thereby the said R. A. Coale has been deprived of valuable property rights, for which the said R. A. Coale has received no compensation from the State of Texas; and that at no time was the said R. A. Coale consulted in the plans or manner of construction of the said Rollover Pass, nor did he consent to such construction which has caused the aforesaid damages; that the damages accruing to the property owned by the said R. A. Coale were a direct and proximate result of the construction and opening of the said Rollover Pass, and that as such constituted a taking by the State of Texas of private property for public use without just compensation therefor; that there is no provision of law whereby he can secure judgment and enforce payment for the damages incurred except by a court of competent jurisdiction and it is necessary that the State of Texas and the Texas Game and Fish Commission be made parties to said suit; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the said R. A. Coale be, and he is hereby granted permission to file suit against the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for any damages for the act herein alleged; and be it further.

Resolved, That service of citation and/or all other necessary legal processes shall be served upon both the Chairman of the said Game and

Fish Commission and the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the said R. A. Coale to bring suit against the State of Texas. No admission of liability or of any fact is made in any way by the passage of this resolution, but on the contrary, it is specifically provided that the facts upon which the said R. A. Coale seeks to recover must be proved in court as in other civil cases. In the event judgment is recovered, it shall only be satisfied out of funds allocated or appropriated to the Texas Game and Fish Commission, but in no event shall an appropriation be made to satisfy such judgment out of the General Revenue Fund of the State of Texas; and, be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Co-author of Senate Bill 35

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 35.

There was no objection offered.

Co-author of Senate Bill 40

Senator Fuller asked unanimous consent to be shown as co-author of S. B. No. 40.

There was no objection offered.

Reports of Standing Committee

Senator Parkhouse submitted the following reports:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water

and Conservation, to whom was referred S. B. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 17, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Zapata County Water Control and Improvement District-San Ygnacio; etc., and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act to establish a State Water Pollution Control Board, and to provide for the control, preventing and abatement of pollution of the surface and underground waters of the State; and declaring an emergency."

S. C. R. No. 16, Congratulating President Kennedy on his stand against any attempt to overthrow our form of government.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 1. House has appointed the following Conference Committee: Cotten, Chairman; Buchanan, Dewey, Hollowell, and McGregor of El Paso.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 55 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 55 was ordered not printed.

Senate Bill 42 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 42 was ordered not printed.

Senate Bill 43 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 43 was ordered not printed.

Senate Bill 35 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 35 was ordered not printed.

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
July 27, 1961.

To the Senate of the Fifty-seventh Legislature, First Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Brazos Santiago Pass, Bar and Tributaries, for two-year terms to expire August 1, 1963: John A. Fuller of Brownsville, Cameron County; Francis M. Kershaw of Brownsville, Cameron County; Cecil F. Crawford of Brownsville, Cameron County; Donald F. Willett of Brownsville, Cameron County.

To be Branch Pilots for the Sabine Bar, Pass and Tributaries, for two-year terms to expire July 5, 1963: R. Gerald Johnson of Beaumont, Jefferson County; D. J. Simonton of Port Arthur, Jefferson County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. B. No. 50, Amending Chapter 400, page 1060, Acts of the Fifty-fourth Legislature, 1955, codified as Article 8280-177, Revised Civil Statutes of Texas, by amending Section 2 thereof designating the boundaries of the "City of McAllen Water and Sewer Authority"; amending Section 3(a) thereof to change the requirement for the bonds of Directors; . . . etc.; and declaring an emergency.

H. B. No. 51, Creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "Bayshore Municipal Utility District"; prescribing its rights, powers, privileges, and duties; providing that the boundaries of such District shall not be changed except by Act of the Legislature; . . . etc.; and declaring an emergency.

H. C. R. No. 3, Granting permission to C. N. Williford of Freestone County, Texas, to sue the State of Texas and its Highway Department.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 33 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 33, A bill to be entitled "An Act providing for the creation of a county-wide hospital district in Hopkins County; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 33 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin

Baker

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 8 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 8, Granting permission to Andrew W. Seaman and Emme Lee Seaman to sue the State of Texas and the State Highway Department.

The resolution was read and was adopted.

House Concurrent Resolution 9 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 9, Granting permission to Henry Hoeper and Gertrude Hoeper to sue the State of Texas and the Highway Department of the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 11 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading the following resolution:

H. C. R. No. 11, Granting permission to Quincy Lee and Pat Legan to sue the State Highway Department and the State of Texas.

The resolution was read and was adopted.

House Bill 55 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 55, A bill to be entitled "An Act granting to the Game and Fish Commission regulatory authority over the wildlife resources of Colorado County subject to certain procedures and limitations; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 55 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Nays—1

Hardeman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Nays—1

Hardeman

Reports of Standing Committee

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 18, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

**Senate Concurrent Resolution 18
Ordered Not Printed**

On motion of Senator Hardeman and by unanimous consent S. C. R. No. 18 was ordered not printed.

**Senate Concurrent Resolution 15
Ordered Not Printed**

On motion of Senator Hardeman and by unanimous consent S. C. R. No. 15 was ordered not printed.

**Senate Concurrent Resolution 17
Ordered Not Printed**

On motion of Senator Hardeman and by unanimous consent S. C. R. No. 17 was ordered not printed.

**House Concurrent Resolution 7 on
Second Reading**

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 7, Granting permission to Eula Mae Lassater to sue the State of Texas and the State Highway Department.

The resolution was read and was adopted.

**House Concurrent Resolution 4 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 4, Granting the Harbenito Broadcasting Company permission to sue the State of Texas and the Comptroller of Public Accounts of the State of Texas.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

House Bill 8 Postponed

The President announced that by unanimous consent of the Senate H. B. No. 8 would be postponed but would not lose its place on the Calendar.

House Bill 2 Postponed

The President announced that by unanimous consent of the Senate H. B. No. 2 would be postponed but would not lose its place on the Calendar.

**Senate Concurrent Resolution 18
On Second Reading**

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 18, Granting R. A. Coale permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 3
on Second Reading**

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 3, Granting Sibyl Browne et al. permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 4
on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 4, Granting permission to Natural Gas Products Company of America to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 5
on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 5, Granting permission

to Roy D. Payne, Agent, to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 6
on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 6, Granting the Comanche Company, Inc., permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 7
on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 7, Granting Owego Gas Transmission Company permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 14
on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 14, Granting Star Farm, Inc., permission to sue the State of Texas.

The resolution was read and was adopted.

**Senate Concurrent Resolution 12
on Second Reading**

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 12, Memorializing Congress to support legislation to control

manufacture, distribution and use of barbiturates, amphetamines and other dangerous drugs.

The resolution was read.

Senator Kazen offered the following committee amendment to the resolution.

Amend S. C. R. No. 12 by striking out the word "use" in the 1st clause and substituting in lieu thereof the words "distribution and transportation."

The amendment was adopted.

Senator Kazen offered the following committee amendment to the resolution:

Amend S. C. R. No. 12 by striking out the word "use" in the 1st resolving clause and substituting in lieu thereof the word "transportation."

The amendment was adopted.

The resolution as amended was then adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 34

Senator Owen offered the following resolution:

Whereas, It has come to the attention of the Senate of the State of Texas that the laws presently existing may be inadequate to protect the Citizens of the State of Texas in the purchase and acquisition of automobile liability and collision and comprehensive insurance, and

Whereas, Recent rate increases have been effected so as to adversely affect the economy of the State of Texas and its Citizens, and

Whereas, The State Insurance Board is either handicapped in the administration of its affairs by reason of the administrative procedures now prevailing or its inability to capture the spirit as well as the letter of the existing law, and

Whereas, The Legislature should review its delegated authority, and now, therefore, be it

Resolved, That the Lieutenant Gov-

ernor be, and he is hereby authorized to appoint a committee of five members of the Senate, one of which shall be designated Chairman, to sit at such times and places between this date and January 9, 1963 as may to said committee be necessary and proper; said committee shall have the power to enter into and upon the investigation of all matters pertaining to the State Insurance Board, its activities, responsibilities and duties together with those of all of its employees; to investigate the laws of the State of Texas pertaining to the writing of all automobile insurance policies, including but not limited to, form and rates; to investigate generally the entire field of such insurance policies and business with the view of making specific recommendations to the 57th Legislature, First Called Session, for legislation, remedial or otherwise, for the functioning of the State Insurance Board, the regulation of automobile insurance and such other matters as shall be pertinent to this resolution.

Said Committee shall have full authority to formulate and promulgate its own rules of procedure, shall have the power and authority to subpoena witnesses and records in the ordinary course of its investigation and for the purposes herein. It shall have the power and authority to investigate files and records of any board, agency, commission, company or individual, and to require the cooperation of any State agency or State employee in the prosecution of its investigations. It may employ and compensate any other necessary investigators, auditors, clerks, stenographers, or employees. It shall be the duty of said Committee to make and keep a record of its investigations. The funds for the operation of said Committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the 57th Legislature, and out of any fund otherwise appropriated for such purposes, upon the sworn account of person entitled to such pay when approved by the Chairman of said Committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 57th Legislature to make the payment of all expenses hereunder and as an incident to said investigation.

It is further provided that such

Committee so appointed shall continue to serve as an investigating committee pursuant to the purposes aforesaid and shall submit a report in writing to the 58th Legislature and may make such recommendations or state such conclusions as it may deem advisable.

OWEN
HAZLEWOOD
KRUEGER
DIES
SCHWARTZ
GONZALEZ
PATMAN
SECRET
HERRING
WILLIS
ROBERTS
HUDSON
SMITH
MOORE
MOFFETT

The resolution was read.

Senator Owen asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Owen then moved to consider the resolution immediately.

The motion prevailed by the following vote:

Yeas—17

Dies	Moore
Gonzalez	Owen
Hazlewood	Patman
Herring	Roberts
Hudson	Schwartz
Kazen	Secret
Krueger	Smith
Martin	Willis
Moffett	

Nays—14

Aikin	Hardeman
Baker	Lane
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Rogers
Fuller	Weinert

S. R. No. 34 was then adopted.

Record of Votes

Senators Parkhouse and Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 45, To the Committee on State Affairs.

H. B. No. 13, To the Committee on Education.

H. B. No. 17, To the Committee on Water and Conservation.

H. B. No. 44, To the Committee on Game and Fish.

H. B. No. 24, To the Committee on Public Health.

H. B. No. 50, To the Committee on Counties, Cities and Towns.

H. C. R. No. 3, To the Committee on Jurisprudence.

H. B. No. 51, To the Committee on Water and Conservation.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 51, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Colson by unanimous consent submitted the following reports:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public

Health, to whom was referred S. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Welcome Resolution

S. R. No. 33, By Senator Fuller: Extending welcome to Cecil R. Beeson of Orange.

Adjournment

On motion of Senator Hardeman the Senate at 11:55 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

EIGHTH DAY

(Friday, July 28, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Baker	Fuller
Crump	Hudson